

**BEFORE THE INDIANA CIVIL RIGHTS COMMISSION  
319 State Office Building  
Indianapolis, Indiana**

**MR. AND MRS. JOHNNY JACKSON )  
Complainant, )**

**vs. )**

**MR. AND MRS. HELVIE R. AND )  
MARGARET HOLMAN, )  
Respondent. )**

**CAUSE NO. 03141**

**HEARING OFFICER'S  
RECOMMENDED  
FINDINGS OF FACT,  
CONCLUSIONS OF  
OF LAW AND ORDER**

**FINDINGS OF FACT**

1. The undersigned hearing officer conducted a hearing in this matter on August 29, 1975.
2. The Complainants Mr. & Mrs. Johnny Jackson appeared personally and were represented by counsel; the Respondent Helvie R. Holman appeared personally and was represented by counsel; the Respondent Margaret Holman is deceased.
3. Complainants offered two exhibits. Exhibit A was admitted into evidence over the objection of the Respondent.
4. Complainants' Exhibit B was admitted into evidence without objection.
5. Respondent's Exhibits numbered 1,2, and 3 (which is in 4 parts) were admitted without objection.
6. Administration of Mrs. Holmans estate has not been undertaken and a personal representative has not been named.
7. Mr. Holman and his wife were joint owners of the property at issue and after the death of Mrs. Holman Mr. Holman became and still is the sole owner of the property.
8. The lease between Complainants and Respondents was signed by Mr. Holman as lessor.
9. Mr. Jackson is black and Mrs. Jackson white.

10. In February the Complainants leased a cottage from the Respondent.
11. A written lease, Respondents Exhibit 1 was executed by the parties.
12. The Complainants gave the Respondent a security deposit of \$150.
13. The lease was for five months.
14. At the conclusion of the lease in July, Mrs. Holman advised the Complainant the lease would not be renewed and ordered them to vacate on August 15, 1975.
15. The Complainants moved out on August 15, 1975; they demanded the return of their security deposit of \$150 but the Respondent did not return the deposit.

### **CONCLUSIONS OF LAW**

1. The Respondent Helvie H. Holman committed an unlawful act of discrimination in refusing to return the Complainants' security deposit.
2. The Respondent Helvie H. Holman committed an unlawful act of discrimination in refusing to renew the lease.
3. The Complainants have suffered compensable racial insult as a result of the action of the Respondent.

### **ORDERS**

- 1) The Motion to Dismiss filed by the Respondents should be granted as to the Respondent Margaret Holman and denied as to the Respondent Helvie H. Holman.
- 2) The Respondent's objection to testimony based on "the Dead Mans Statute" should be OVERRULED.
- 3) The Complainants Mr. & Mrs. Johnny Jackson should have judgment against the Respondent Helvie H. Holman for \$150, plus interest for the security deposit Respondent failed to return to Complainants.

- 4) The Complainants Mr. & Mrs. Johnny Jackson should have judgment against the Respondent Helvie H. Holman for damages attributable to racial insult in the amount of \$1,000.00.

Dated: 17<sup>th</sup> day of December, 1975.

**Reversed** on damages for racial Insult in Indiana Civil Rights Commission v. Holman, 177 Ind. App. 648, 380 N. E. 2d 1281 (1978). But see Indiana Civil Rights Commission v. Alder, 714 N. E. 2d 632 (Ind. 1999).